

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
VICTORY RECORDS, INC., and ANOTHER	:
VICTORY, INC.,	:
	:
	:
Plaintiffs,	:
	:
- against -	:
	:
VIRGIN RECORDS AMERICA, INC.,	:
a division of EMI MUSIC NORTH AMERICA,	:
	:
Defendant.	:
-----X	

Case No.: 08-CV-00314 (PKC)

DECLARATION OF
ANDREW H. BART

ANDREW H. BART, an attorney duly admitted to practice before the Courts of the State of New York, declares the following to be true under the penalty of perjury:

1. I am a partner of the law firm of Jenner & Block LLP, attorneys for defendant Virgin Records America, Inc. ("Virgin"), and have personal knowledge of the facts set forth herein. I submit this declaration in further support of the Virgin's motion (1) to transfer the above-captioned action (the "New York Victory Action") commenced by plaintiffs Victory Records, Inc. (individually, "Victory") and Another Victory, Inc. (collectively, "Plaintiffs") to the Northern District of Illinois where a related action is pending, pursuant to 28 U.S.C. § 1404(a); or, in the alternative (2) to stay the New York Victory Action pending resolution of the related action that is pending in the Northern District of Illinois.

2. I respectfully present this declaration to submit the current docket sheet in the Hawthorne Heights Action which is pending in the Northern District of Illinois. A true and correct copy of the current docket sheet in the Hawthorne Heights Action as of the date of this declaration is submitted herewith as Exhibit A. The annexed docket sheet reflects that the

Hawthorne Heights is active and on-going and that a status conference was held on April 22, 2008 before Magistrate Judge Denlow to determine a discovery dispute between Hawthorne Heights and Victory.

3. As discussed in the accompanying Reply Memorandum of Law, Plaintiffs' decision to file the New York Victory Action in this Court is pure procedural gamesmanship. Accordingly, in the interests of justice, this Court should transfer the New York Victory Action to the Northern District of Illinois, where the action was initially brought and where the related Hawthorne Heights Action is pending

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 12, 2008
New York, New York



Andrew H. Bart

EXHIBIT A

AO279, DENLOW

**United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:06-cv-04258**

Bucciarelli-Tieger et al v. Victory Records, Inc. et al
Assigned to: Honorable James B. Moran
Demand: \$1,000,000
Cause: 17:501 Copyright Infringement

Date Filed: 08/07/2006
Jury Demand: Both
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Eron Bucciarelli-Tieger
an individual

represented by **Eron Bucciarelli-Tieger**
PRO SE

Anthony George Stamato
Kaye Scholer LLC
70 West Madison Street
Suite 4100
Chicago, IL 60602
(312) 583-2300
Email: astamato@kayescholer.com
TERMINATED: 02/05/2008

Rhonda R. Trotter
Kaye Scholer, LLP
1999 Avenue of the Stars
Suite 1700
Los Angeles, CA 90067
(310) 788-1000
TERMINATED: 02/05/2008

Robert McPherson Spalding
Kaye Scholer LLC
70 West Madison
Suite 4100
Chicago, IL 60602
(312) 583-2300
Email: rspalding@kayescholer.com
TERMINATED: 02/05/2008

Plaintiff

Casey Calvert
an individual

represented by **Casey Calvert**
PRO SE

Anthony George Stamato

(See above for address)
TERMINATED: 02/05/2008

Rhonda R. Trotter
(See above for address)
TERMINATED: 02/05/2008

Robert McPherson Spalding
(See above for address)
TERMINATED: 02/05/2008

Plaintiff

Matt Ridenour
an individual

represented by **Matt Ridenour**
PRO SE

Anthony George Stamato
(See above for address)
TERMINATED: 02/05/2008

Rhonda R. Trotter
(See above for address)
TERMINATED: 02/05/2008

Robert McPherson Spalding
(See above for address)
TERMINATED: 02/05/2008

Plaintiff

JT Woodruff
*an individual, collectively
professionally
now known as
Hawthorne Heights*

represented by **JT Woodruff**
PRO SE

Anthony George Stamato
(See above for address)
TERMINATED: 02/05/2008

Rhonda R. Trotter
(See above for address)
TERMINATED: 02/05/2008

Robert McPherson Spalding
(See above for address)
TERMINATED: 02/05/2008

Plaintiff

Hawthorne Heights, LLC
an Ohio limited liability company

represented by **Hawthorne Heights, LLC**
PRO SE

Anthony George Stamato
(See above for address)
TERMINATED: 02/05/2008

Rhonda R. Trotter

(See above for address)

TERMINATED: 02/05/2008

Robert McPherson Spalding

(See above for address)

TERMINATED: 02/05/2008

V.

Defendant

Victory Records, Inc.
an Illinois corporation

represented by **Christopher Scott Griesmeyer**

Levenfeld Pearlstein

2 North LaSalle Street

13th Floor

Chicago, IL 60602

(312)346-8380

Email: cgriesmeyer@lplegal.com

ATTORNEY TO BE NOTICED

Christopher M Heintskill

Levenfeld Pearlstein

2 North LaSalle Street

13th Floor

Chicago, IL 60602

(312)346-8380

Email: cheintskill@lplegal.com

ATTORNEY TO BE NOTICED

Robert S. Meloni

Meloni & McCaffrey, PC

1350 Avenue of the Americas

Suite 3100

New York, NY 10019

(212) 957-5577

Email: robert@robertmeloni.com

ATTORNEY TO BE NOTICED

Ronald W. Adelman

Robert S. Meloni, PC

1350 Avenue of the Americas

New York, NY 10019

(212) 957-3764

Email: radelman@robertmeloni.com

ATTORNEY TO BE NOTICED

Defendant

Another Victory, Inc.
an Illinois corporation

represented by **Christopher Scott Griesmeyer**

(See above for address)

ATTORNEY TO BE NOTICED

Christopher M Heintskill
(See above for address)
ATTORNEY TO BE NOTICED

Robert S. Meloni
(See above for address)
ATTORNEY TO BE NOTICED

Ronald W. Adelman
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Anthony "Tony&q K. Brummel
an individual

represented by **Christopher Scott Griesmeyer**
(See above for address)
ATTORNEY TO BE NOTICED

Christopher M Heintskill
(See above for address)
ATTORNEY TO BE NOTICED

Robert S. Meloni
(See above for address)
ATTORNEY TO BE NOTICED

Ronald W. Adelman
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Does 1-25

Counter Claimant

Victory Records, Inc.
an Illinois corporation

V.

Counter Defendant

JT Woodruff
*an individual, collectively
professionally*

represented by **Robert McPherson Spalding**
(See above for address)
TERMINATED: 02/05/2008

Counter Defendant

Hawthorne Heights, LLC
an Ohio limited liability company

represented by **Robert McPherson Spalding**
(See above for address)
TERMINATED: 02/05/2008

Counter Defendant

Eron Bucciarelli-Tieger
an individual

represented by **Robert McPherson Spalding**
(See above for address)
TERMINATED: 02/05/2008

Counter Defendant

Casey Calvert
an individual

represented by **Robert McPherson Spalding**
(See above for address)
TERMINATED: 02/05/2008

Counter Defendant

Matt Ridenour
an individual

represented by **Robert McPherson Spalding**
(See above for address)
TERMINATED: 02/05/2008

Counter Claimant

Victory Records, Inc.
an Illinois corporation

Counter Claimant

Another Victory, Inc.
an Illinois corporation

Counter Claimant

Anthony "Tony&q K. Brummel
an individual

V.

Counter Defendant

JT Woodruff
an individual, collectively
professionally

Counter Defendant

Hawthorne Heights, LLC
an Ohio limited liability company

Counter Defendant

Eron Bucciarelli-Tieger
an individual

Counter Defendant

Casey Calvert
an individual

Counter Defendant

Matt Ridenour

an individual

Counter Claimant

Victory Records, Inc.
an Illinois corporation

V.

Counter Defendant

JT Woodruff
an individual, collectively
professionally

represented by **Robert McPherson Spalding**
 (See above for address)
 TERMINATED: 02/05/2008

Counter Defendant

Hawthorne Heights, LLC
an Ohio limited liability company

represented by **Robert McPherson Spalding**
 (See above for address)
 TERMINATED: 02/05/2008

Counter Defendant

Eron Bucciarelli-Tieger
an individual

represented by **Robert McPherson Spalding**
 (See above for address)
 TERMINATED: 02/05/2008

Counter Defendant

Casey Calvert
an individual

represented by **Robert McPherson Spalding**
 (See above for address)
 TERMINATED: 02/05/2008

Counter Defendant

Matt Ridenour
an individual

represented by **Robert McPherson Spalding**
 (See above for address)
 TERMINATED: 02/05/2008

Date Filed	#	Docket Text
08/07/2006	<u>1</u>	COMPLAINT filed by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Exhibits); Jury Demand.(mb,) (Entered: 08/09/2006)
08/07/2006	<u>2</u>	CIVIL Cover Sheet (mb,) (Entered: 08/09/2006)
08/07/2006	<u>3</u>	ATTORNEY Appearance for Plaintiffs JT Woodruff, JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour by Robert McPherson Spalding (mb,) (Entered: 08/09/2006)
08/07/2006	<u>4</u>	ATTORNEY Appearance for Plaintiffs JT Woodruff, JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour by Anthony George Stamato (mb,) (Entered: 08/09/2006)
08/07/2006	<u>6</u>	SUMMONS Issued as to Defendants Victory Records, Inc., Another

		Victory, Inc., Anthony "Tony" K. Brummel (mb,) (Entered: 08/09/2006)
08/09/2006	<u>7</u>	SUMMONS Returned Executed by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour as to Anthony "Tony"&q K. Brummel on 8/7/2006, answer due 8/28/2006. (Spalding, Robert) (Entered: 08/09/2006)
08/09/2006	<u>8</u>	SUMMONS Returned Executed by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour as to Another Victory, Inc. on 8/7/2006, answer due 8/28/2006. (Spalding, Robert) (Entered: 08/09/2006)
08/09/2006	<u>9</u>	SUMMONS Returned Executed by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour as to Victory Records, Inc. on 8/7/2006, answer due 8/28/2006. (Spalding, Robert) (Entered: 08/09/2006)
08/09/2006		MAILED copyright report to Registrar, Washington, D.C. (mb,) (Entered: 08/09/2006)
08/10/2006	<u>10</u>	MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour to strike <i>Exhibit A to the Complaint</i> (Spalding, Robert) (Entered: 08/10/2006)
08/10/2006	<u>11</u>	NOTICE of Motion by Robert McPherson Spalding for presentment of motion to strike <u>10</u> before Honorable James B. Moran on 8/15/2006 at 09:00 AM. (Spalding, Robert) (Entered: 08/10/2006)
08/15/2006	<u>12</u>	MINUTE entry before Judge James B. Moran : Motion hearing held. Plaintiff's motion to strike the exhibits originally appended to their complaint is granted. Enter Order. It is hereby ordered that: 1. The exhibits originally appended to the complaint in this matter are stricken. 2. The Clerk is directed to remove and destroy the exhibits originally appended to the Complaint and plaintiffs are granted leave to file copies of the exhibits originally appended to their complaint that have been redacted so as to remove any personal information. Mailed notice (mb,) (Entered: 08/17/2006)
08/15/2006	<u>13</u>	ORDER Signed by Judge James B. Moran on 8/15/2006.(mb,) (Entered: 08/17/2006)
08/17/2006	<u>14</u>	EXHIBIT by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour regarding complaint <u>1</u> (Spalding, Robert) (Entered: 08/17/2006)
08/17/2006	<u>15</u>	NOTICE by all plaintiffs re exhibit <u>14</u> <i>Notice of Filing of Redacted Exhibits to Complaint</i> (Spalding, Robert) (Entered: 08/17/2006)
08/28/2006	<u>16</u>	MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour Motion to Bifurcate Claims Under Rule 42(b) and for Expedited Discovery (Attachments: # <u>1</u> Exhibit 1)(Spalding, Robert) (Entered: 08/28/2006)
08/28/2006	<u>17</u>	NOTICE of Motion by Robert McPherson Spalding for presentment of

		motion for miscellaneous relief <u>16</u> before Honorable James B. Moran on 9/12/2006 at 09:00 AM. (Spalding, Robert) (Entered: 08/28/2006)
08/28/2006	<u>18</u>	MINUTE entry before Judge James B. Moran : Status hearing is set for 9/27/2006 at 09:15 AM. pursuant to Rule 16 of the F.R.C.P. Mailed notice (ldg,) (Entered: 08/28/2006)
08/29/2006	<u>19</u>	ATTORNEY Appearance for Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel by Christopher Scott Griesmeyer (Griesmeyer, Christopher) (Entered: 08/29/2006)
08/29/2006	<u>20</u>	ATTORNEY Appearance for Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel by Christopher M Heintskill (Heintskill, Christopher) (Entered: 08/29/2006)
08/30/2006	<u>21</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel by Robert S. Meloni; Order entered granting leave by James B. Moran. Filing fee \$ 50 paid, receipt number 1112866 (mb,) (Entered: 09/01/2006)
08/30/2006	<u>22</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel by Ronald W. Adelman; Order entered granting leave by James B. Moran. Filing fee \$ 50 paid, receipt number 1112866 (mb,) (Entered: 09/01/2006)
09/08/2006	<u>23</u>	ANSWER to Complaint, COUNTERCLAIM filed by Victory Records, Inc. against all plaintiffs. by Victory Records, Inc.(Griesmeyer, Christopher) (Entered: 09/08/2006)
09/08/2006	<u>24</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour by Rhonda R. Trotter; Order entered granting leave by James B. Moran. Filing fee \$ 50 paid, receipt number 10718781; Notice (mb,) (Entered: 09/12/2006)
09/12/2006	<u>25</u>	<i>Amended</i> ANSWER to Complaint, <i>Amended</i> COUNTERCLAIM filed by Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel against JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour. by Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel(Griesmeyer, Christopher) (Entered: 09/12/2006)
09/18/2006	<u>26</u>	MINUTE entry before Judge James B. Moran : Status hearing set for 9/27/2006 is stricken and reset to 12/21/2006 at 09:15 AM. Mailed notice (ldg,) (Entered: 09/18/2006)
09/22/2006	<u>27</u>	MOTION by Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel to dismiss (Griesmeyer, Christopher) (Entered: 09/22/2006)
09/22/2006	<u>28</u>	MOTION by Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel for leave to file excess pages <i>to</i>

		<i>Memorandum in Support of Motion to Dismiss</i> (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(Griesmeyer, Christopher) (Entered: 09/22/2006)
09/22/2006	<u>29</u>	NOTICE of Motion by Christopher Scott Griesmeyer for presentment of motion to dismiss <u>27</u> , motion for leave to file excess pages <u>28</u> before Honorable Milton I. Shadur on 9/28/2006 at 09:15 AM. (Griesmeyer, Christopher) (Entered: 09/22/2006)
09/28/2006	<u>30</u>	MINUTE entry before Judge Milton I. Shadur : Motion hearing held. Motion for leave to file excess pages <u>28</u> is granted. MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt RidenourMotion to Bifurcate Claims Under Rule 42(b) and for Expedited Discovery <u>16</u> is entered and continued with a response to be filed on or before October 10, 2006. MOTION by Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel to dismiss <u>27</u> is entered and continued with a response due on or before October 10, 2006. (srn,) (Entered: 09/28/2006)
09/28/2006	<u>31</u>	ANSWER to counterclaim <i>RE: Document #25, Amended Counterclaim</i> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, JT Woodruff(an individual, collectively professionally), Hawthorne Heights, LLC(an Ohio limited liability company), Eron Bucciarelli-Tieger(an individual), Casey Calvert(an individual), Matt Ridenour(an individual)(Spalding, Robert) (Entered: 09/28/2006)
09/28/2006	<u>32</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, JT Woodruff(an individual, collectively professionally), Hawthorne Heights, LLC(an Ohio limited liability company), Eron Bucciarelli-Tieger(an individual), Casey Calvert (an individual), Matt Ridenour(an individual) re answer to counterclaim, <u>31</u> (Spalding, Robert) (Entered: 09/28/2006)
10/10/2006	<u>33</u>	RESPONSE by Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel in Opposition to MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt RidenourMotion to Bifurcate Claims Under Rule 42(b) and for Expedited Discovery <u>16</u> (Griesmeyer, Christopher) (Entered: 10/10/2006)
10/10/2006	<u>34</u>	MEMORANDUM by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, JT Woodruff(an individual, collectively professionally), Hawthorne Heights, LLC(an Ohio limited liability company), Eron Bucciarelli-Tieger(an individual), Casey Calvert(an individual), Matt Ridenour(an individual) in Opposition to motion to dismiss <u>27</u> (Spalding, Robert) (Entered: 10/10/2006)
10/10/2006	<u>35</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, JT Woodruff(an individual, collectively professionally), Hawthorne Heights, LLC(an Ohio limited liability company), Eron Bucciarelli-Tieger(an individual), Casey Calvert (an individual), Matt Ridenour(an individual) re memorandum in

		opposition to motion, <u>34</u> (Spalding, Robert) (Entered: 10/10/2006)
10/16/2006	<u>36</u>	MOTION by Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel for leave to file <i>Reply Brief</i> (Attachments: # <u>1</u> Exhibit Reply Brief)(Griesmeyer, Christopher) (Entered: 10/16/2006)
10/16/2006	<u>37</u>	NOTICE of Motion by Christopher Scott Griesmeyer for presentment of motion for leave to file <u>36</u> before Honorable Milton I. Shadur on 10/18/2006 at 09:15 AM. (Griesmeyer, Christopher) (Entered: 10/16/2006)
10/17/2006	<u>38</u>	DECLARATION of Anthony K. "Tony" Brummel regarding response in opposition to motion, <u>33</u> by Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel (Griesmeyer, Christopher) (Entered: 10/17/2006)
10/18/2006	<u>39</u>	MINUTE entry before Judge Milton I. Shadur : Motion to dismiss <u>27</u> is granted as to count 1, 2 and 9 and the remainder of the motion is entered and continued before Judge Moran. MOTION by Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel for leave to file <i>Reply Brief</i> <u>36</u> is granted. In court notice (srn,) (Entered: 10/19/2006)
10/31/2006	<u>40</u>	MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour for reconsideration (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(Spalding, Robert) (Entered: 10/31/2006)
10/31/2006	<u>41</u>	NOTICE of Motion by Robert McPherson Spalding for presentment of motion for reconsideration, <u>40</u> before Honorable Milton I. Shadur on 11/7/2006 at 09:15 AM. (Spalding, Robert) (Entered: 10/31/2006)
11/07/2006	<u>42</u>	MINUTE entry before Judge Milton I. Shadur : Motion hearing held. MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour for reconsideration <u>40</u> is denied as to the extent that it seeks reconsideration and granted in accordance with this Court's oral ruling as to the extent that it seeks clarification. MAiled notice (srn,) (Entered: 11/07/2006)
11/15/2006	<u>43</u>	MINUTE entry before Judge James B. Moran : Status hearing set for 12/21/2006 is stricken and reset to 12/13/2006 at 09:15 AM. Mailed notice (ldg,) (Entered: 11/15/2006)
11/17/2006	<u>44</u>	MOTION by Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummelfor Ruling on Defendant's Motion to Dismiss (Griesmeyer, Christopher) (Entered: 11/17/2006)
11/17/2006	<u>45</u>	NOTICE of Motion by Christopher Scott Griesmeyer for presentment of motion for miscellaneous relief <u>44</u> before Honorable James B. Moran on

		11/28/2006 at 09:00 AM. (Griesmeyer, Christopher) (Entered: 11/17/2006)
11/17/2006	<u>46</u>	MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour Renewed Motion to Bifurcate Claims Under Rule 42(b) and for Expedited Discovery (Attachments: # <u>1</u> Exhibit)(Spalding, Robert) (Entered: 11/17/2006)
11/17/2006	<u>47</u>	NOTICE of Motion by Robert McPherson Spalding for presentment of motion for miscellaneous relief, <u>46</u> before Honorable James B. Moran on 11/28/2006 at 09:00 AM. (Spalding, Robert) (Entered: 11/17/2006)
11/21/2006	<u>48</u>	MEMORANDUM by Victory Records, Inc. in Opposition to motion for miscellaneous relief, <u>46</u> to <i>Bifurcate Claims and Expedite Discovery</i> (Griesmeyer, Christopher) (Entered: 11/21/2006)
11/28/2006	<u>49</u>	MINUTE entry before Judge James B. Moran : Motion hearing held on 11/28/2006 regarding motion for ruling on motion to dismiss <u>44</u> . Plaintiff's response to defendants' motion to dismiss <u>27</u> to be filed on or before 12/7/2006. Status hearing set for 12/13/2006 at 9:15 a.m. to stand. Mailed notice (ldg,) (Entered: 11/28/2006)
12/07/2006	<u>50</u>	MEMORANDUM by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, JT Woodruff(an individual, collectively professionally), Hawthorne Heights, LLC(an Ohio limited liability company), Eron Bucciarelli-Tieger(an individual), Casey Calvert(an individual), Matt Ridenour(an individual) in Opposition to motion for miscellaneous relief <u>44</u> (Spalding, Robert) (Entered: 12/07/2006)
12/07/2006	<u>51</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, JT Woodruff(an individual, collectively professionally), Hawthorne Heights, LLC(an Ohio limited liability company), Eron Bucciarelli-Tieger(an individual), Casey Calvert (an individual), Matt Ridenour(an individual) re memorandum in opposition, <u>50</u> (Spalding, Robert) (Entered: 12/07/2006)
12/13/2006	<u>52</u>	MINUTE entry before Judge James B. Moran : Status hearing held on 12/13/2006. Court will mail ruling on pending motions <u>16</u> <u>27</u> <u>44</u> <u>46</u> . Mailed notice (ldg,) (Entered: 12/13/2006)
12/14/2006	<u>53</u>	NOTICE of Affiliates pursuant to Local Rule 3.2 by Victory Records, Inc., Another Victory, Inc. (Griesmeyer, Christopher) (Entered: 12/14/2006)
01/10/2007	<u>54</u>	MINUTE entry before Judge James B. Moran : Enter Memorandum Opinion and Order. Plaintiffs' motions for bifurcation and expedited discovery in Count IX <u>16</u> and <u>46</u> is, for now, denied. Status hearing is set for February 8, 2007 at 9:15 a.m.Mailed notice (mb,) (Entered: 01/12/2007)

01/10/2007	<u>55</u>	MEMORANDUM Opinion and Order Signed by Judge James B. Moran on 1/10/2007.(mb,) (Entered: 01/12/2007)
02/06/2007	<u>56</u>	MOTION by Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel to consolidate cases (Attachments: # <u>1</u> Exhibit)(Heintskill, Christopher) (Entered: 02/06/2007)
02/06/2007	<u>57</u>	NOTICE of Motion by Christopher M Heintskill for presentment of motion to consolidate cases <u>56</u> before Honorable James B. Moran on 2/8/2007 at 09:15 AM. (Heintskill, Christopher) (Entered: 02/06/2007)
02/07/2007	<u>58</u>	MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour for preliminary injunction (Spalding, Robert) (Entered: 02/07/2007)
02/07/2007	<u>59</u>	NOTICE of Motion by Robert McPherson Spalding for presentment of motion for preliminary injunction, <u>58</u> before Honorable James B. Moran on 2/8/2007 at 09:15 AM. (Spalding, Robert) (Entered: 02/07/2007)
02/07/2007	<u>60</u>	MEMORANDUM by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour in support of motion for preliminary injunction, <u>58</u> (Spalding, Robert) (Entered: 02/07/2007)
02/07/2007	<u>61</u>	DECLARATION of Daniel R. Friedman regarding memorandum in support of motion <u>60</u> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Spalding, Robert) (Entered: 02/07/2007)
02/07/2007	<u>62</u>	DECLARATION of Milton Everett Olin, Jr. regarding memorandum in support of motion <u>60</u> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Spalding, Robert) (Entered: 02/07/2007)
02/07/2007	<u>63</u>	DECLARATION of Eron Bucciarelli-Tieger regarding memorandum in support of motion <u>60</u> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Spalding, Robert) (Entered: 02/07/2007)
02/07/2007	<u>64</u>	DECLARATION of Stanley Pierre-Louis regarding memorandum in support of motion <u>60</u> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Spalding, Robert) (Entered: 02/07/2007)
02/08/2007	<u>65</u>	MINUTE entry before Judge James B. Moran : Enter Order. Status hearing held and continued to 3/13/2007 at 9:15 a.m. Virgin, EMI and Plaintiffs' response to defendants' motion to consolidate related cases <u>56</u> to be filed by 2/22/2007. Defendants reply brief to be filed by 2/29/2007. Defendants response brief and cross-motion for preliminary injunction to be filed by 2/20/2007. Plaintiffs' reply brief in support of their motion for preliminary injunction and response brief to Defendant's cross-motion for preliminary injunction to be filed by 2/23/2007. Defendant's reply brief in

		support of their cross-motion for preliminary injunction to be filed by 2/28/2007.Mailed notice (mb,) (Entered: 02/13/2007)
02/09/2007	<u>66</u>	ORDER Signed by Judge James B. Moran on 2/9/2007.(mb,) (Entered: 02/13/2007)
02/20/2007	<u>67</u>	MOTION by Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel for extension of time to file <i>Cross-Motion for Preliminary Injunction</i> , MOTION by Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel for leave to file excess pages (Heintskill, Christopher) (Entered: 02/20/2007)
02/20/2007	<u>68</u>	NOTICE of Motion by Christopher M Heintskill for presentment of motion for extension of time to file, motion for leave to file excess pages,, <u>67</u> before Honorable James B. Moran on 2/28/2007 at 09:00 AM. (Heintskill, Christopher) (Entered: 02/20/2007)
02/22/2007	<u>69</u>	MEMORANDMUM by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour in Opposition to motion to consolidate cases <u>56</u> (Spalding, Robert) (Entered: 02/22/2007)
02/22/2007	<u>70</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour re memorandum in opposition to motion <u>69</u> (Spalding, Robert) (Entered: 02/22/2007)
02/22/2007	<u>71</u>	MOTION for leave to file <i>the Virgin Option Agreement Under Seal</i> (Bart, Andrew) (Entered: 02/22/2007)
02/22/2007	<u>72</u>	NOTICE of Motion by Andrew H. Bart for presentment of motion for leave to file <u>71</u> before Honorable James B. Moran on 3/6/2007 at 09:00 AM. (Bart, Andrew) (Entered: 02/22/2007)
02/22/2007	<u>73</u>	DECLARATION of Andrew H. Bart regarding motion for leave to file <u>71</u> by Virgin Records America, Inc., EMI Music North America, Inc. <i>and in Opposition to Motion to Consolidate</i> <u>56</u> (Attachments: # <u>1</u> Exhibits A-F)(Bart, Andrew) (Entered: 02/22/2007)
02/22/2007	<u>74</u>	MEMORANDMUM by Virgin Records America, Inc., EMI Music North America, Inc. in Opposition to motion to consolidate cases <u>56</u> <i>and in Support of Motion to File Under Seal</i> <u>71</u> (Bart, Andrew) (Entered: 02/22/2007)
02/23/2007	<u>75</u>	MEMORANDMUM by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour in Opposition to motion for extension of time to file, motion for leave to file excess pages,, <u>67</u> (Spalding, Robert) (Entered: 02/23/2007)
02/23/2007	<u>76</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour re memorandum in opposition to motion <u>75</u> (Spalding, Robert) (Entered: 02/23/2007)
02/28/2007	<u>77</u>	MINUTE entry before Judge James B. Moran :Motion hearing held on 2/28/2007 regarding <u>67</u> . Defendants, Victory Records, Inc., et al motion to extend briefing schedule on plaintiffs' motion and defendants' cross-

		<p>motion for preliminary injunction, and for leave to file brief in excess of page limitation <u>67</u> is granted. Motion for leave to file the Virgin Option Agreement under seal <u>71</u> is granted. The 3/6/2007 hearing date on Virgin Records' motion for leave to file a document under seal is stricken. Status hearing set for 3/13/2007 is stricken. Defendants shall file their brief in response to Plaintiffs' motion for preliminary injunction <u>58</u> and in support of their own cross-motion for preliminary injunction <u>67</u> by 3/2/2007. Plaintiffs' shall file their reply brief in support of their motion for preliminary injunction <u>58</u> by 3/9/2007. Defendants shall file their reply brief in support of their motion for preliminary injunction <u>67</u> by 3/14/2007. The Court will rule on the cross-motions by mail. Mailed notice (ldg,) (Entered: 03/01/2007)</p>
03/01/2007	<u>78</u>	<p>REPLY by Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel to MOTION by Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel to consolidate cases <u>56</u> (Heintskill, Christopher) (Entered: 03/01/2007)</p>
03/01/2007	<u>81</u>	<p>MINUTE entry before Judge James B. Moran : Enter Memorandum Opinion and Order. We grant defendants' motion to dismiss <u>44</u> as to Count V, VI, VII and VIII of plaintiffs' complaint, and deny the motion as to Counts I, II, III, IV and IX. Mailed notices(gcy,) Modified on 3/6/2007 (gcy,). (Entered: 03/05/2007)</p>
03/01/2007	<u>82</u>	<p>MEMORANDUM Opinion and Order (gcy,) (Entered: 03/05/2007)</p>
03/02/2007	<u>79</u>	<p>MEMORANDUM motion for preliminary injunction, <u>58</u> by Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel <i>and Response to Plaintiffs' Motino for Preliminary Injunction</i> (Heintskill, Christopher) (Entered: 03/02/2007)</p>
03/02/2007	<u>80</u>	<p>DECLARATION of Tony Brummel regarding memorandum <u>79</u> by Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel <i>In Support of Cross-Motion for Preliminary Injunction</i> (Attachments: # <u>1</u> Notice of Filing)(Heintskill, Christopher) (Entered: 03/02/2007)</p>
03/02/2007	<u>83</u>	<p>VIRGIN Option Agreement by Virgin Records America, Inc. and EMI Music North America, Inc. (RESTRICTED) (DOCUMENT NOT SCANNED) (td,) (Entered: 03/05/2007)</p>
03/06/2007	<u>84</u>	<p>MOTION by Defendant Victory Records, Inc. for reconsideration (Attachments: # <u>1</u> Exhibit)(Heintskill, Christopher) (Entered: 03/06/2007)</p>
03/06/2007	<u>85</u>	<p>NOTICE of Motion by Christopher M Heintskill for presentment of motion for reconsideration <u>84</u> before Honorable James B. Moran on 3/14/2007 at 09:00 AM. (Heintskill, Christopher) (Entered: 03/06/2007)</p>
03/09/2007	<u>86</u>	<p>OBJECTIONS by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour to declaration, <u>80</u> (Spalding, Robert) (Entered: 03/09/2007)</p>

03/09/2007	<u>87</u>	REPLY by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour to memorandum <u>79</u> (Spalding, Robert) (Entered: 03/09/2007)
03/09/2007	<u>88</u>	DECLARATION of Eron Bucciarelli-Tieger regarding reply, <u>87</u> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Spalding, Robert) (Entered: 03/09/2007)
03/09/2007	<u>89</u>	DECLARATION of Daniel R. Friedman regarding reply, <u>87</u> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Spalding, Robert) (Entered: 03/09/2007)
03/09/2007	<u>90</u>	DECLARATION of Robert M. Spalding regarding reply, <u>87</u> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Attachments: # <u>1</u> Exhibit)(Spalding, Robert) (Entered: 03/09/2007)
03/09/2007	<u>91</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour re objections <u>86</u> , reply, <u>87</u> , declaration <u>89</u> , declaration <u>88</u> , declaration <u>90</u> (Spalding, Robert) (Entered: 03/09/2007)
03/12/2007	<u>92</u>	MINUTE entry before Judge James B. Moran :Status hearing set for 3/13/2007 is stricken.Mailed notice (ldg,) (Entered: 03/12/2007)
03/12/2007	<u>93</u>	REPLY by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour to reply, <u>87</u> <i>Amended Reply and Response Brief</i> (Spalding, Robert) (Entered: 03/12/2007)
03/12/2007	<u>94</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour re reply to response to motion <u>93</u> <i>Notice of Filing</i> (Spalding, Robert) (Entered: 03/12/2007)
03/13/2007	<u>95</u>	MEMORANDMUM by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour in Opposition to motion for reconsideration <u>84</u> (Spalding, Robert) (Entered: 03/13/2007)
03/13/2007	<u>96</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour <i>Notice of Filing</i> (Spalding, Robert) (Entered: 03/13/2007)
03/14/2007	<u>97</u>	REPLY by Defendants Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel to memorandum <u>79</u> (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(Heintskill, Christopher) (Entered: 03/14/2007)
03/14/2007	<u>98</u>	MINUTE entry before Judge James B. Moran :Motion hearing held on 3/14/2007 regarding motion for reconsideration <u>84</u> . Defendants' reply in support of their motion to be filed by 3/21/2007. Status hearing is set for 4/25/2007 at 09:15 AM.Mailed notice (ldg,) (Entered: 03/15/2007)
03/21/2007	<u>99</u>	REPLY by Defendant Victory Records, Inc. to motion for reconsideration <u>84</u> (Heintskill, Christopher) (Entered: 03/21/2007)

04/03/2007	<u>100</u>	MINUTE entry before Judge James B. Moran :Defendants move to consolidate, as a related case, Victory Records vs Virgin Records America, Inc. and EMI Music North America, 06 C 5985 now pending before Judge Conlon. We deny, for now the motion to consolidate, <u>56</u> but we find that it is a related case pursuant to Local Rule 40.4 and request the Executive Committee for its reassignment. Both cases arise out of the same fight, and having one Judge handling both may likely result in a substantial saving of judicial time and effort. It is, however, premature to consolidate the cases for a single trial, although they may indeed be susceptible of disposition in a single proceeding. But that we leave to another day. Mailed notice (ldg,) (Entered: 04/03/2007)
04/25/2007	<u>101</u>	MINUTE entry before Judge James B. Moran :Status hearing held on 4/25/2007.Mailed notice (ldg,) (Entered: 04/25/2007)
05/03/2007	<u>102</u>	AMENDED complaint by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour against Another Victory, Inc., Anthony "Tony&q K. Brummel, Victory Records, Inc. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Spalding, Robert) (Entered: 05/03/2007)
05/03/2007	<u>103</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour re amended complaint, <u>102</u> (Spalding, Robert) (Entered: 05/03/2007)
05/10/2007	<u>104</u>	MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt RidenourPlaintiff's Motion for Immediate Ruling on Plaintiff's Motion for Preliminary Injunction (Attachments: # <u>1</u> Exhibit A)(Spalding, Robert) (Entered: 05/10/2007)
05/10/2007	<u>105</u>	NOTICE of Motion by Robert McPherson Spalding for presentment of motion for miscellaneous relief, <u>104</u> before Honorable James B. Moran on 5/15/2007 at 09:00 AM. (Spalding, Robert) (Entered: 05/10/2007)
05/14/2007	<u>106</u>	AMENDED Answer by Defendant Victory Records, Inc., Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour to amended complaint, <u>102</u> , COUNTERCLAIM filed by Victory Records, Inc. against JT Woodruff (an individual, collectively professionally), Hawthorne Heights, LLC(an Ohio limited liability company), Eron Bucciarelli-Tieger(an individual), Casey Calvert(an individual), Matt Ridenour(an individual). (Heintskill, Christopher) (Entered: 05/14/2007)
05/15/2007	<u>107</u>	MINUTE entry before Judge James B. Moran :Plaintiffs' motion for immediate ruling on plaintiffs' motion for preliminary injunction <u>104</u> is taken under advisement. Motion hearing held on 5/15/2007 <u>104</u> . Mailed notice (ldg,) (Entered: 05/15/2007)
05/16/2007	<u>108</u>	MINUTE entry before Judge James B. Moran :Enter Memorandum Opinion and Order. Defendants' motion for reconsideration <u>84</u> is denied.Mailed notice (cem) (Entered: 05/17/2007)

05/16/2007	<u>109</u>	MEMORANDUM Opinion and Order Signed by Judge James B. Moran on 5/16/2007.(cem,) (Entered: 05/17/2007)
05/17/2007	<u>110</u>	DECLARATION of Robert Meloni by Victory Records, Inc., Another Victory, Inc., Anthony "Tony&q K. Brummel (Attachments: # <u>1</u> Exhibit) (Heintskill, Christopher) (Entered: 05/17/2007)
05/17/2007	<u>111</u>	MINUTE entry before Judge James B. Moran: Enter Memorandum Opinion and Order. We grant plaintiffs' motion for preliminary injunction preventing defendants from interfering with Hawthorne Heights' rights to record new material with a producer or a record label of its choosing <u>58</u> , and deny defendants' cross-motion for preliminary injunction. Mailed (vmj,) (Entered: 05/21/2007)
05/17/2007	<u>112</u>	MEMORANDUM Opinion and Order Signed by Judge James B. Moran on 5/17/2007(vmj,) (Entered: 05/21/2007)
05/29/2007	<u>113</u>	ANSWER to counterclaim by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour(Spalding, Robert) (Entered: 05/29/2007)
05/29/2007	<u>114</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour re answer to counterclaim <u>113</u> (Spalding, Robert) (Entered: 05/29/2007)
09/26/2007	<u>115</u>	MINUTE entry before Judge James B. Moran : Enter Stipulation and Order of Confidentiality regarding certain information, documents, and other materials produced during discovery.Mailed notice (vcf,) (Entered: 10/01/2007)
09/26/2007	<u>116</u>	STIPULATION and Order of confidentiality Signed by Judge James B. Moran on 9/26/2007.(vcf,) (Entered: 10/01/2007)
10/19/2007	<u>117</u>	MOTION by Defendant Victory Records, Inc. to compel <i>Production of ESI</i> (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit)(Griesmeyer, Christopher) (Entered: 10/19/2007)
10/19/2007	<u>118</u>	NOTICE of Motion by Christopher Scott Griesmeyer for presentment of motion to compel <u>117</u> before Honorable James B. Moran on 10/24/2007 at 09:00 AM. (Griesmeyer, Christopher) (Entered: 10/19/2007)
10/24/2007	<u>119</u>	MINUTE entry before Judge James B. Moran :Motion hearing held on 10/24/2007 regarding motion to compel <u>117</u> . Plaintiffs' response to defendant's motion to compel production of ESI <u>117</u> and motion to be filed by 11/7/2007. Defendants' reply and response to be filed by 11/21/2007. Plaintiffs' final reply to be filed by 12/5/2007. Mailed notice (ldg,) (Entered: 10/24/2007)
11/07/2007	<u>120</u>	MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour to compel (Spalding, Robert) (Entered: 11/07/2007)

11/07/2007	<u>121</u>	MEMORANDUM by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour in support of motion to compel, <u>120</u> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C) (Spalding, Robert) (Entered: 11/07/2007)
11/07/2007	<u>122</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour re memorandum in support of motion <u>121</u> , MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour to compel <u>120</u> (Spalding, Robert) (Entered: 11/07/2007)
11/07/2007	<u>123</u>	MEMORANDUM by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour in Opposition to motion to compel <u>117</u> (Spalding, Robert) (Entered: 11/07/2007)
11/07/2007	<u>124</u>	DECLARATION of Dan Friedman regarding memorandum in opposition to motion <u>123</u> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Spalding, Robert) (Entered: 11/07/2007)
11/07/2007	<u>125</u>	DECLARATION of Nathan D. Meyer regarding memorandum in opposition to motion <u>123</u> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Spalding, Robert) (Entered: 11/07/2007)
11/07/2007	<u>126</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour re declaration <u>124</u> , declaration <u>125</u> , memorandum in opposition to motion <u>123</u> (Spalding, Robert) (Entered: 11/07/2007)
11/08/2007	<u>127</u>	DECLARATION of J.T. Woodruff regarding memorandum in opposition to motion <u>123</u> by JT Woodruff, Hawthorne Heights, LLC, Casey Calvert, Matt Ridenour (Spalding, Robert) (Entered: 11/08/2007)
11/08/2007	<u>128</u>	DECLARATION of Matt Ridenour regarding memorandum in opposition to motion <u>123</u> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Spalding, Robert) (Entered: 11/08/2007)
11/08/2007	<u>129</u>	DECLARATION of Micah Carli regarding memorandum in opposition to motion <u>123</u> by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour (Spalding, Robert) (Entered: 11/08/2007)
11/08/2007	<u>130</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour re declaration <u>129</u> , declaration <u>127</u> , declaration <u>128</u> (Spalding, Robert) (Entered: 11/08/2007)
11/21/2007	<u>131</u>	REPLY by Defendant Victory Records, Inc. to motion to compel <u>117</u> <i>Brief in Further Support of Defendant's Motion to Compel Production of ESI</i> (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit)(Griesmeyer,

		Christopher) (Entered: 11/21/2007)
11/21/2007	<u>132</u>	MEMORANDUM by Victory Records, Inc. in Opposition to motion to compel, <u>120</u> (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(Griesmeyer, Christopher) (Entered: 11/21/2007)
12/05/2007	<u>133</u>	REPLY by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour to motion to compel, <u>120</u> , memorandum in opposition to motion <u>132</u> (Spalding, Robert) (Entered: 12/05/2007)
12/05/2007	<u>134</u>	NOTICE by JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour re reply, <u>133</u> (Spalding, Robert) (Entered: 12/05/2007)
01/10/2008	<u>135</u>	TRANSCRIPT of proceedings for the following dates: 11/7/2006; Before the Honorable Milton I. Shadur. (Document not scanned). (gmr,) (Entered: 01/14/2008)
01/15/2008	<u>136</u>	TRANSCRIPT of proceedings for the following dates: 10/18/2006; Before the Honorable Milton I. Shadur. (Document not scanned). (gmr,) (Entered: 01/16/2008)
01/31/2008	<u>137</u>	MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour to withdraw <i>as Counsel for Plaintiffs and Counterclaim-Defendants</i> (Spalding, Robert) (Entered: 01/31/2008)
01/31/2008	<u>138</u>	NOTICE of Motion by Robert McPherson Spalding for presentment of motion to withdraw, <u>137</u> before Honorable James B. Moran on 2/5/2008 at 09:00 AM. (Spalding, Robert) (Entered: 01/31/2008)
02/05/2008	<u>139</u>	MINUTE entry before Judge James B. Moran :Motion hearing held. Plaintiffs/counterclaim defendants motion to withdraw as counsel <u>137</u> is granted. Kaye Scholer, Anthony G. Stamato, Rhonda R. Trotter and Robert M. Spalding are withdrawn as counsel. Status hearing is set for 3/5/2008 at 9:15 a.m. Mailed notice (gmr,) (Entered: 02/06/2008)
03/24/2008	<u>140</u>	Pursuant to Local Rule 72.1, this case is hereby referred to the calendar of Magistrate Judge Honorable Morton Denlow for the purpose of holding proceedings related to: discovery motions : Defendant's motion to compel production of ESI <u>117</u> , Plaintiffs' motion to compel, <u>120</u> . (ldg,)Mailed notice. (Entered: 03/24/2008)
03/24/2008	<u>141</u>	MINUTE entry before Judge Honorable Morton Denlow:This matter has been referred to Judge Denlow for ruling on a pending motion. If no briefing schedule has been set or if no briefing is desired, the parties are to notice the motion up on Mondays or Wednesdays at 9:15 a.m. Judge Denlow does not desire briefs on discovery disputes. Otherwise, the parties are to appear for status or argument at 10:00 a.m. on 4/22/2008.Mailed notice (dmk,) (Entered: 03/24/2008)

04/22/2008	<u>142</u>	<p>MINUTE entry before Judge Honorable Morton Denlow:Magistrate Judge Status hearing held on 4/22/2008; Motion hearing held on 4/22/2008 regarding motion to compel <u>117</u> and motion to compel, <u>120</u> . In light of the bankruptcy of the individual plaintiffs and the lack of counsel for Hawthorne Heights LLC, Plaintiffs motion to compel <u>120</u> is withdrawn without prejudice. Defendant Victory Records, Inc.s motion to compel production of ESI against the individual plaintiffs <u>117</u> is withdrawn without prejudice in light of the bankruptcy of the individual plaintiffs. Hawthorne Heights is to produce information demonstrating whether or not they own or control www.hawthorneheights.com. on or by 5/20/08. If so, they are to comply with Defendant's request for electronically stored information in connection therewith on or before 6/4/08. All matters relating to the referral of this action having been resolved, the case is returned to the assigned judge Judge Honorable Morton Denlow no longer referred to the case.; Motions terminated: MOTION by Defendant Victory Records, Inc. to compel Production of ESI <u>117</u> , MOTION by Plaintiffs JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour, Counter Defendants JT Woodruff, Hawthorne Heights, LLC, Eron Bucciarelli-Tieger, Casey Calvert, Matt Ridenour to compel <u>120</u> Mailed notice (dmk,) (Entered: 04/22/2008)</p>
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VICTORY RECORDS, INC., and ANOTHER
VICTORY, INC.,

Plaintiffs,

- against -

VIRGIN RECORDS AMERICA, INC.,
a division of EMI MUSIC NORTH AMERICA,

Defendant.
-----X

Case No.: 08-CV-00314 (PKC)

CERTIFICATE OF SERVICE

I, Carletta F. Higginson, do hereby certify that on this 12th day of May 2008 I caused the within **Declaration of Andrew H. Bart** in further support of the motion by defendant Virgin Records America, Inc. to transfer or, in the alternative, stay this action to be filed via the Southern District of New York's Electronic Case Filing system and caused same to be served via U.S. First Class mail delivery upon **Robert S. Meloni, Esq., Meloni and McCaffrey, P.C.**, 1350 Avenue of the Americas, Suite 3100, New York, New York 10019 by having a true and correct copy of same wrapped in a postage-paid envelope and deposited into the care and custody of the United States Postal Service.


Carletta F. Higginson